



IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Herbert Baltes et al.

Serial No.: 10/519,091 ✓

Filed: December 23, 2004

For: HYDRAULIC RESERVOIR IN
PARTICULAR A MEMBRANE
RESERVOIR

PATENT

Art Unit:

Examiner:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF ENGLISH LANGUAGE
PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English language Preliminary Examination Report for the
above-identified application.

Respectfully submitted,

Mark S. Bicks
Reg. No. 28,770

Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W., Suite 600
Washington, D.C. 20036
(202) 659-9076

Dated: Dec. 2, 2005

From the INTERNATIONAL BUREAU

PCTNOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

To:

**BARTELS UND PARTNER
PATENTANWÄLTE**BARTELS UND PARTNER
Lange Strasse 50
70174 Stuttgart
ALLEMAGNE

Received: 22. FEB. 2005

TERMIN

Date of mailing (day/month/year)

17 February 2005 (17.02.2005)

Applicant's or agent's file reference

40cdh/229079/PCT

IMPORTANT NOTIFICATION

International application No.

PCT/EP2003/004973

International filing date (day/month/year)

13 May 2003 (13.05.2003)

Applicant

HYDAC TECHNOLOGY GMBH et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

None

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP, JP, US

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.+41 22 740 14 35

Authorized officer

Yolaine Cussac

Facsimile No.+41 22 338 70 80

Translation

PATENT COOPERATION TREATY

PCT/EP2003/004973



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 40cdh/229079/PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/004973	International filing date (day/month/year) 13 May 2003 (13.05.2003)	Priority date (day/month/year) 09 July 2002 (09.07.2002)
International Patent Classification (IPC) or national classification and IPC F15B 1/16, 1/12		
Applicant HYDAC TECHNOLOGY GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 12 August 2003 (12.08.2003)	Date of completion of this report 02 November 2004 (02.11.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/004973

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages _____ 1-13 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-9 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ 1/3-3/3 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/04973

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	6-9	YES
	Claims	1-5	NO
Inventive step (IS)	Claims		YES
	Claims	1-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: DE 29 11 792 A (LOUKONEN ERNEST W)

4 October 1979 (1979-10-04)

D2: US-A-3 288 168 (MERCIER JACQUES H ET AL)

29 November 1966 (1966-11-29)

D3: DE 14 75 765 A (MERCIER JEAN)

6 November 1969 (1969-11-06)

D4: JP 2002 181002 A (NIPPON ACCUMULATOR CO LTD)

26 June 2002 (2002-06-26)

2. The present application does not meet the requirements of PCT Article 33(1) since the subject matter of claims 1 to 5 is not novel (PCT Article 33(2)).

2.1 Independent claim 1:

D1 discloses (the references in brackets are to that document; cf. in particular page 14, line 10, to page 16, line 13; figure 1):

Hydraulic accumulator, in particular a bladder accumulator, with a gas inlet body (58) which can be connected to parts of the accumulator housing (16) and has at least one abutment surface for a resiliently flexible partition element (44) which, disposed inside the accumulator housing (16), separates two chambers from each other, the partition element (44) having an edge reinforcement in the form of thickened material, forming a securing edge (48) for abutment with the associated abutment surface of the gas inlet body (58), the edge reinforcement being provided on its side facing the gas inlet body (58) with a convex guide surface which is in abutment with the abutment surface which can be associated and is at least partially concave for the corresponding abutment.

The features of claim 1 are also disclosed in D2 to D4.

2.2 Dependent claims 2 to 5:

D1 also discloses the features of these claims (see figure 1, and page 14, line 10, to page 16, line 13).

3. Dependent claims 6 to 9:

For the following reasons, dependent claims 6 to 9 do not appear to contain any additional features which, combined with the features of any claim to which claims 6 to 9 refer back, might lead to subject matter involving an inventive step:

3.1 Claims 6 and 7:

The precise geometrical design of the reinforcement ring (50) in the non-fitted state is not derived from D1, figure 1; however, the figure suggests a semicircular, convex shape. The other documents also show reinforcement rings: a rectangular one in D2 (figure 3) and a triangular one in D4 (figures 1 to 3). Therefore such a configuration is at least suggested by the prior art.

3.2 Claim 8:

D1 also discloses a recess on the interior of the accumulator housing (see 38 in figure 1, and page 14, lines 24 to 26).

3.3 Claim 9:

Claim 9 is unclear (PCT Article 6). The steepness of a curvature ("the corresponding curvature is steeper than that of the fixed partition element") is not clearly defined and does not allow a person skilled in the art to produce this feature on a hydraulic accumulator. Moreover, this feature is disclosed as such in D2 and D3 (see figure 3 in each case), when interpreted in the sense of a slope of a curve section, the y-axis running in the direction of the longitudinal axis or axis of rotation of the hydraulic accumulator.

3.4 Since D1 to D4 all concern devices similar to the subject matter of the application, it would be obvious to a person skilled in the art to apply the

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/04973

features which are either known from the cited prior art or are obvious (see points 3.1 to 3.3 above) to like effect also to a hydraulic accumulator as per D1 and thus arrive at a hydraulic accumulator as per each of claims 6 to 9, without thereby being inventive.